

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DIANA COATES and
MARGO GREEN,

Plaintiffs,

VS.

BRAZORIA COUNTY, and
JAMES BLACKSTOCK,

Defendants.

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CIVIL ACTION NO. 3:10-CV-71
JURY TRIAL DEMANDED

**PROPOSED VOIR DIRE QUESTIONS
OF DEFENDANT, BRAZORIA COUNTY, TEXAS**

1. Do any of you have any personal knowledge of the facts or background of this lawsuit? If so, please raise your hand and then come forward and tell me what you have learned or what has been said to you so that the other members of the jury panel will not hear what you have to say.
2. Do you know or are you familiar with the Plaintiffs Diana Coates or Margo Green or any of their family members? If so, please raise your hand. Would your relationship with either of these parties or their families cause you to be more or less sympathetic to them than to the other parties in the case?
3. Do you know or are you familiar with the Defendant James Blackstock or any of his family members? If so, please raise your hand. Would your relationship with Mr. Blackstock or his family cause you to be more or less sympathetic to him than to the other parties in the case?
4. Brazoria County is another of the Defendants in this case.
 - (a) Are any of you residents of Brazoria County?
 - (b) Have any of you or has anyone in any of your immediate families ever been employed by the Brazoria County? If so, please raise your hand and tell us who has been so employed, how long that person was employed, what position that person had and what your relationship to the County is or was.
 - (c) Have any of you or has anyone in any your immediate families ever

applied for employment with the County? If so, please raise your hand and tell us who has applied, when, where and what was the result.

- (d) Have any of you or has anyone in your immediate family ever had an experience with Brazoria County or any of its employees or public officials that would cause you to be more or less sympathetic to the County than to the other parties in the case?
- 5. Have any of you or someone you know ever worked as a juvenile probation officer, or in some other role in State, County, or local government? If so, please raise your hand. Would your experience as a government employee cause you to be more or less sympathetic to one of the parties in the case?
 - 6. Diana Coates and Margo Green are in this case by Jacqueline Armstrong and Thomas Padgett, both of whom have their own law firms. Are any of you familiar with or know of Ms. Armstrong, Mr. Padgett or their law firms? Are any of you acquainted with or have any of you had any business contacts with Ms. Armstrong, Mr. Padgett or any other personnel of their law firms? If so, please raise your hand.
 - (a) What was the nature of the contact?
 - (b) When did it occur?
 - (c) Would that contact in any way influence your decision in this case?
 - 7. Mr. Blackstock is represented in this case by Anthony Griffin, who has his own law firm. Are any of you familiar with or know of Mr. Griffin or his law firm? Are any of you acquainted with or have any of you had any business contacts with Mr. Griffin or any other personnel of his law firm? If so, please raise your hand.
 - (a) What was the nature of the contact?
 - (b) When did it occur?
 - (c) Would that contact in any way influence your decision in this case?
 - 8. Brazoria County is represented in this case by Barry Abrams and Susan L. Bickley of the law firm of Blank Rome LLP. Are any of you familiar with or know of Mr. Abrams, Ms. Bickley or their law firm? Are any of you acquainted with or have any of you had any business contacts with these lawyers or any other personnel in their firm? If so, please raise your hand.
 - (a) What was the nature of the contact?
 - (b) When did it occur?
 - (c) Would that contact in any way influence your decision in this case?

9. Various people have been identified as possible witnesses in this lawsuit. It is not certain that all these people will be needed as witnesses. Is there anyone on the jury panel who is acquainted with any of the following persons? If so, please stand up as I read the name of each person and remain standing until I have completed reading the list: [Read list of Plaintiffs' and Defendants' proposed witnesses. After reading list, request each juror to:]
 - (a) Please state each person on the list who you know;
 - (b) Please describe generally the nature of your acquaintance;
 - (c) Would your acquaintance with the witness cause you to give additional or less weight to that person's testimony and would you be able to consider that testimony along with all other testimony in a fair and impartial manner, notwithstanding your acquaintance with that witness?
10. Have any of you ever been a party to a lawsuit other than a divorce proceeding, either as a plaintiff or a defendant? If so, please raise your hand.
 - (a) Please describe generally the nature or kind of lawsuits in which you were involved as a party and state whether you were a plaintiff or defendant.
 - (b) When did such lawsuits occur and have they been finally completed?
 - (c) Was there anything in your experience in that suit that would make it difficult for you to decide this case based solely on the evidence that is presented during the trial and the instructions given to you by the Court?
11. Is there anyone on the jury panel who has ever made a claim of wrongful termination or discrimination against an employer or any governmental body *or* who has had a family member who has done so? If so, please raise your hand.
 - (a) Describe generally the nature of the claim that you or your family member made that you brought.
 - (b) When was such charge filed and has it been finally resolved?
 - (c) Was there anything in your experience regarding that claim that would make it difficult for you to decide this case based upon the evidence that is presented during the trial and the instructions given to you by the Court?
12. Has any member of the jury panel ever served as a juror in the trial of another lawsuit? If so, please raise your hand.
 - (a) Please describe generally the nature of any lawsuit in which you served as a

juror.

- (b) Was a verdict reached by the jury on which you served?
 - (c) Was there anything in that experience as a juror that would make it difficult for you to decide this case based solely on the evidence submitted during the trial and on the instructions given to you by the Court?
- 13. Is there anyone on the jury panel who has any legal experience or any background in legal matters? If so, please raise your hand and describe your legal background or training.
- 14. The jury selected in this case will be required to decide factual issues submitted to it solely on the basis of the evidence submitted during the course of the trial and not on the basis of any feelings of sympathy or prejudice that any member of the jury may have with respect to the parties or their counsel. Are there any of you that believe that, if you are selected to serve on this jury, it would be difficult for you to decide the questions submitted to you solely on the basis of the evidence presented during the trial because of:
 - (a) Some feelings of sympathy you may have for one or the other of the parties; or
 - (b) Some bias or prejudice you may feel against one or the other of the parties? If so, please raise your hand and tell us what difficulty you may have in this regard.
- 15. In this case the Plaintiffs, Diana Coates and Margo Green, are individuals, while Brazoria County is a governmental entity. Under the law, all parties, including governmental entities and other entities are entitled to a fair and impartial trial. Do any of you feel that because Plaintiffs are individuals and one of the Defendants is a County, that you would have difficulty deciding the questions of fact in the case on the basis of the evidence presented at trial and in accordance with the instructions on the law given by the Court? If so, please raise your hand.
- 16. Some people have biases or other negative feelings against counties or other governmental entities. If any member of the jury panel has some feeling of bias or prejudice or another negative feeling about government entities generally or Brazoria County, Texas in particular, please raise your hand. Would such feelings prevent or make it difficult for you to render a fair and impartial verdict in this case?
- 17. Ms. Coates and Ms. Green have alleged that James Blackstock sexually harassed them while they were employed by Brazoria County. Mr. Blackstock denies their claims. Regardless of what your personal beliefs may be about the law involving sexual harassment, can you accept the instructions from the Court on what the applicable law is, and render a fair and impartial verdict in the case?
- 18. Ms. Coates and Ms. Green have alleged that the County is responsible for the sexual

harassment that they claim Mr. Blackstock committed against them. The County denies that it is responsible for Mr. Blackstock's conduct and instead contends that once it was made aware of their complaints, it acted promptly and reasonably. Regardless of what your personal beliefs may be about the law involving the County's potential liability for sexual harassment committed by Mr. Blackstock, can you accept the instructions from the Court on what the applicable law is, and render a fair and impartial verdict in the case?

19. Under Texas law, Ms. Coates and Ms. Green were hired and later terminated by a group known as the Brazoria County Juvenile Board. The Juvenile Board is a body that the Texas Legislature created. The members of the Juvenile Board in Brazoria County are the various State District Judges and County Court at Law Judges that are elected in Brazoria County, and the County Judge of Brazoria County. Have any of you ever heard of or had any dealings with a Juvenile Board or any member of a Juvenile Probation Department? If so, please raise your hand.
20. Under Texas law, Ms. Coates and Ms. Green were at will employees. That means that they had no right to continued employment and no obligation to continue to work for the County. The Juvenile Board had the right to terminate Ms. Coates and Ms. Green's employment without any reason whatsoever, if it so desired, and Ms. Coates and Ms. Green could quit their employment without any reason, if they chose to do so. Do any of you feel that is somehow wrong or unfair for the Juvenile Board to have the right to terminate Ms. Coates or Ms. Green at any time and for Ms. Coates and Ms. Green to have the right to quit their jobs? Regardless of what your personal beliefs may be about the law, can you accept the instructions from the Court on what the applicable law in this regard is, and render a fair and impartial verdict in the case?
21. Is there anyone on the jury panel who believes that solely because Ms. Coates and Ms. Green have filed a lawsuit against the County, that they should automatically recover for the claims they are making?
22. Although we shall proceed as rapidly as possible, this trial may last several weeks. Is there any member of the jury panel who would be unable to serve if the trial lasts several weeks? If so, please raise your hand and state why it would be difficult for you to serve in a several day trial.
23. Has anyone on the jury panel ever been terminated, discharged or demoted by your employer? If so, please raise you hand and tell me the name of your employer and when this occurred. [If any respond] Are you able to set aside your own experience in this regard and render a fair and impartial verdict based upon the evidence admitted in this case and the law given to you by the Court?
24. Has anyone on the jury panel ever had a dispute with your employer, including any dispute over your evaluation, performance, pay, position or benefits? If so, raise your hand and tell me the name of your employer and the nature and time of the dispute. Is there anything about your experience in that regard that would prevent you from

rendering a fair and impartial verdict in this case?

25. Have any of you or someone close to you ever felt that you were a victim of discrimination or retaliation? If so, please raise your hand and we will speak with you privately later.
26. Have any of you or someone else close to you ever been accused of discriminating or retaliating against someone else? If so, please raise your hand and we will speak with you privately later.
27. Have any of you or someone close to you ever filed a complaint, grievance, charge or lawsuit in which you claimed that you had been discriminated or retaliated against? If so, please raise your hand and we will speak with you privately later.
28. Have any of you or someone close to you ever been accused of discrimination or retaliation in a complaint, grievance, charge or lawsuit filed by someone else? If so, please raise your hand and we will speak with you privately later.
29. Have any of you or someone close to you ever had a complaint about how you had been treated by a supervisor? If so, please raise your hand and we will speak with you privately later.
30. Have any of you or someone close to you ever felt that you had been the victim of sexual harassment? If so, please raise your hand and we will speak with you privately later.
31. Have you or someone close to you ever been accused of sexual harassment? If so, please raise your hand and we will speak with you privately later.
32. Is there any member of the jury panel who has ever worked in a supervisory position over another employee? If so, please raise your hand and state your position, the employer for whom you worked, when you held the position, and the duties of that position. Is there anything about your experiences in that regard that would prevent you from rendering a fair and impartial verdict based upon the evidence admitted in the case and the law given to you by the Court?
33. Has anyone on the jury panel ever been a civil service employee or an employee of any federal, state, county or other local governmental entity? If so, please raise your hand, and tell me your position, the governmental entity that you worked for, when you held that position, and the duties of that position. Is there anything about that experience that would prevent you from rendering a fair and impartial verdict in this case?
34. Has anyone on the jury panel or a member of your immediate families ever worked in the personnel department or human resources department? If so, please raise your hand and tell me the position and the duties of that position. Is there anything about that experience that would prevent you from rendering a fair and impartial verdict in this case?

35. Is there anyone on the jury panel who has been employed under an employment contract where you believed that you could only be terminated for just cause? If so, please raise your hand and tell me your position, the employer that you worked for, when you worked there, and the nature of your employment contract.
36. Do any members of the panel belong to any organization which has as one of its goals the protection of civil rights? Would this affiliation make you more likely to favor the plaintiff if he says his civil rights were violated?
37. Have any of you, your family members or close personal friends ever filed a claim or complaint or are planning to file a claim or complaint concerning a violation of your civil rights?
38. Have you, your family members or close friends ever been arrested? (If so, please approach the bench) What agency was responsible for the arrest? When? What was the charge? Was the arrested person placed in jail or prison? If so, did the arrested person feel that they had been unfairly treated during or after the arrest? Did the arrested person feel that they had been wrongfully arrested?
39. Does anyone on the panel have special knowledge about the law or legal field?
40. Do any of you, or someone close to you, know anyone involved in the legal field, either personally or professionally? If so, what is the name of the person or law firm?
41. Has anyone on the panel or any family member or close acquaintance ever worked for a lawyer or law firm? If so, what is the name of the lawyer or law firm?
42. Have you or someone close to you ever hired an attorney or law firm? If so, which attorney(s) or law firm(s) and what was the reason?
43. Is there any reason about which I have not yet questioned you that could cause any of you not to be able to render a fair and impartial verdict in this case based solely on the evidence admitted during the course of the trial and the law given to you by the Court? If so, please raise your hand at this time.

Respectfully submitted,

/s/ Barry Abrams
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